

McCLURE & WILLBANKS.

L E T T E R

FROM

THE SECRETARY OF THE TREASURY,

TRANSMITTING

A COPY OF A COMMUNICATION FROM THE COMMISSIONER OF
INTERNAL REVENUE SUBMITTING CLAIM OF M'CLURE &
WILLBANKS.

JANUARY 13, 1902.—Referred to the Committee on Claims and ordered to be
printed.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 10, 1902.

SIR: I have the honor to forward herewith, for the consideration of Congress, copy of a communication from the Commissioner of Internal Revenue, of the 6th instant, and copies of accompanying papers, submitting the claim of McClure & Willbanks, livery-stable keepers at Toccoa, Ga., for the value of a horse hired to internal-revenue officers and killed by illicit distillers in August, 1900.

Respectfully,

L. J. GAGE, *Secretary.*

The SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,
OFFICE COMMISSIONER OF INTERNAL REVENUE,
Washington, January 6, 1902.

SIR: I inclose herewith a letter from McClure & Willbanks, livery-stable keepers at Toccoa, Ga., referred to this office by Hon. F. C. Tate, M. C., making claim for the value of a horse hired to internal-revenue officers and killed by illicit distillers in August, 1900.

I also inclose an affidavit of Deputy Collector R. S. Henderson covering the facts of the case.

The claim appears to be a just one, and I have the honor to suggest

that, if you approve, it be forwarded to the Committee on Claims, House of Representatives, with a recommendation for an appropriation in favor of the claimants.

Respectfully,

J. W. YERKES,
Commissioner.

The SECRETARY OF THE TREASURY.

TOCCOA, GA., *February 27, 1901.*

DEAR SIR: From our letter head you will see that we are in the livery business, and as such, hired to Captain Henderson, deputy collector of internal revenue United States, a two-horse buggy to make a trip into South Carolina, in Oconee County, to capture "moonshiners" and violators of the internal-revenue laws, and while on that trip, in July, 1900, "the moonshiners" attacked him while in the buggy and killed one of the horses dead and shot a hole through the other horse's ear and tried to get the captain, but failed. The horse was worth about \$100, as it was a good season for our business.

We have been informed by the revenue officers on that side the river that they have forwarded a claim for our loss to the Government; but as we have been so far unable to learn anything of the claim or its whereabouts, and believing the same has been forwarded through the regular channel to the Court of Claims, would kindly ask you to inquire at that office if such claim has been received.

The claim was said to be forwarded from the State of South Carolina. I hope you will not think us presumptuous in writing to you about this claim, but have been advised that if we have a friend in Washington to lay the matter before him, and have therefore called on you.

Yours, very truly,

M'CLURE & WILLBANKS.

Hon. F. C. TATE, M. C.,
Ninth Congressional District, Georgia.

I ask that this claim be paid.

F. C. TATE,
Member of Congress, Georgia.

STATE OF GEORGIA, *County of Fulton:*

R. S. Henderson, of Jasper, Pickens County, Ga., states on oath that during the month of August, 1900, he was a deputy collector of internal revenue in the district of Georgia; that he was at that time assigned to duty as a raiding deputy with headquarters at Toccoa, Ga.; that he made a raid for illicit distilleries in Rabun County, Ga., and Oconee County, S. C.; that he was accompanied by Revenue Agent C. B. White, and Deputy United States Marshal McKinney, and Posseman John Chapman, all of South Carolina; that he was also accompanied on the raid by Deputy United States Marshal T. R. Glenn, of Georgia, but Mr. Glenn was not with him at the time of the shooting hereinafter referred to; that on the 7th of August (1900), the raiding party destroyed two illicit distilleries in Oconee County, S. C.; that these distilleries were not more than three-quarter of a mile apart; that one of these illicit distilleries was supposed to be the property of W. W. Wooten, and the other was supposed to be the property of one Compton; that at Compton's distillery (the last destroyed) the raiding party found two packages containing approximately 30 gallons of whisky; that this whisky was loaded into the hack and the raiding party started out with it, it being the intention to take the whisky to the railroad; that between a quarter and a half mile from the distillery and while the party was going into the public they were fired on from ambush; that the first volley killed the "off" horse hitched to the buggy, which affiant was driving; that affiant and his party, after the ambushing party was repulsed, resumed their journey, leaving the dead horse in the road; that about half a mile farther on they were fired on from ambush the second time, but no damage was done. Affiant states that the first shooting was done within 200 yards of Wooten's house, which was located near Battle Creek, Oconee County, S. C.

Affiant states further that he hired the team he was driving at the time he was

fired on from McClure & Willbanks, Toccoa, Ga.; that the horse killed was one of the horses of said team, and was the property of McClure & Willbanks; that he was paying \$2.50 per day for the team, the same being the usual charge for double teams in that section; that he verily believes that the party that fired on him were illicit distillers, and that he was fired on because he was discharging his duty as an officer of the internal-revenue department.

Affiant states that the horse was about 14½ hands tall, was 6 years old, and was worth \$75 in cash at the time he was killed.

R. S. HENDERSON.

Subscribed and sworn to before me this 16th day of December, 1901.

[SEAL.]

O. C. FULLER,

Clerk United States Circuit Court.

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